

Docket PRECI-P5366

PATENT

14, 1999. Applicant's attorney indicated that the drawings would be amended as required by the Examiner but, on subsequent review of the drawings, Applicant's attorney finds that the recess alluded to in the claims is clearly shown in Figs. 1 and 2 of the drawings as located in the securement means.

The rejections embodied in paragraphs 4 and 6 of the Examiner's June 4, 1999 Office Action are unsupportable because of the reliance of the Examiner on Hayes '374. To avoid rehashing Applicant's argument on Hayes, the Examiner's attention is directed to the discussion of Hayes appearing at pages 5, 6, and 7 of the amendment filed on November 2, 1999.

There is no question that Hayes does not show a securement means having an RF circuit embedded therein where the securement means is demountably associated with a discardable attachment means. The language of Hayes to the effect that "the head portion 46 may not be withdrawn through the slot after assembly on the animal ear" clearly refutes the Examiner's rejections based on Hayes.

Similar considerations apply to the combination of Pennock and Hayes. The rejection of claims 19-27 on Pennock over deJong in view of deJong '234 is equally untenable

Docket PRECI-P5366

PATENT

because deJong '234 shows the permanent affixation of an identification device incorporating an identification circuit. A member 3 is provided with pin 5 whose head includes a metal tip 16 which is forced through a bore 17 to permanently affix a member 1 to an animal's ear. There is absolutely no teaching in either Pennock or deJong of the concept of providing an RFID circuit in a reusable securement means which is removably associated with attachment means of a disposable nature.

In addition, Applicant has incorporated a statement regarding the terms "reuse" and "reusable" in the specification to point out that these terms are applied to the securement means and the circuit is reusable because it is embedded in the securement means. There is no reference to the reuse of a circuit as a transmission device.

Furthermore, Applicant has extensively amended the claims to define that the securement means is temporarily in operative relationship with the wristband and to further define the radio frequency identification circuit as embedded in the securement means. Claim 26 has been cancelled.

In view of the inescapable fact that the Examiner is not properly interpreting the language of the patents on

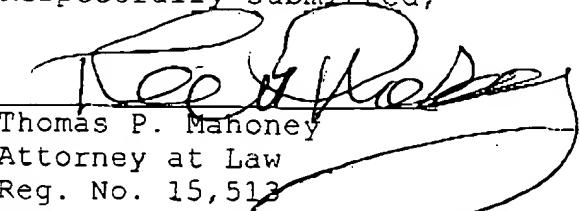
Docket PRECI-PS366

PATENT

which he relies to reject the claims and the amendment of the claims to make it inescapable that Applicant is relying on the removability of the securement means from operative relationship with a disposable attachment means, and, furthermore, the clarification of the claims by liberal amendment, it is thought that the application is allowable in the next action of the Examiner.

Respectfully submitted,

Date: 12/16/99


Thomas P. Mahoney
Attorney at Law
Reg. No. 15,513
660 Newport Center Dr., Suite 710
Newport Beach, California 92660
949-718-1120

TPM:ad